

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LINEAR TECHNOLOGY CORPORATION	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-476 (GMS)
	)	
MONOLITHIC POWER SYSTEMS, INC.	)	
	)	
Defendant.	)	
	)	

**JOINT STIPULATION REGARDING DAMAGES FOR PATENT INFRINGEMENT**

Plaintiff Linear Technology Corporation (“Linear”) and Defendant Monolithic Power Systems, Inc. (“MPS”) hereby stipulate as follows:

WHEREAS Linear has accused MPS in this action with infringement of United States Patent Nos. 5,481,178 (the “‘178 Patent”) and 6,580,258 (the “‘258 Patent”) by making, using, selling and offering for sale the MP1543 Synchronous Rectified Step-up Converter (the “MP1543”);

WHEREAS MPS has denied Linear’s infringement accusations and has alleged the asserted claims of the ‘178 Patent and ‘258 Patent are invalid, unenforceable and not infringed;

WHEREAS Linear denies invalidity and unenforceability, and further denies that MPS may challenge the validity or enforceability of the ‘178 Patent or ‘258 Patent in this action;

WHEREAS there have been both foreign and domestic (United States) sales of the MP1543,

WHEREAS MPS’s total net sales of the MP1543 in the United States since January 1, 2006 have been approximately \$100,

WHEREAS MPS has ceased making, using, selling or offering the MP1543 and presently does not intend to resume such activities until the outcome of this lawsuit has been decided;

WHEREAS Linear presently does not intend to present evidence that it has lost any sale as a result of MPS's sales of the MP1543; and

WHEREAS, in light of the limited sales of the MP1543, the parties desire to avoid incurring the expense of retaining damages experts to opine as to the reasonable royalty that would be due under Count II of Linear's Complaint in the event MPS's sales were found to infringe the asserted claims and the asserted claims were found not to be invalid and/or unenforceable;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

In the event Linear establishes that the MP1543 infringes one or more of the asserted claims of the '178 or '258 patent, and such claim(s) are not found to be invalid or unenforceable, MPS will pay Linear nominal patent infringement damages in the amount of \$10.00.

The \$10.00 damages amount represents nominal damages in light of the above stipulated facts. It is not intended to suggest what would constitute a reasonable royalty percentage under 35 U.S.C. § 284.

In the event Linear establishes that the MP1543 infringes one or more of the asserted claims of the '178 or '258 patent, and such claim(s) are not found to be invalid or unenforceable, MPS will not make, use, sell or offer for sale the MP1543 in the United States;

In the event Linear fails to establish that the MP1543 infringes one or more of the asserted claims of the '178 or '258 patent, or that MPS breached the Settlement and License

Agreement between the parties signed on September 29, 2005, or MPS establishes that the asserted claims are invalid and/or unenforceable, and Linear fails to establish a breach of the Settlement and License Agreement, then MPS will pay no damages to Linear.

Nothing in this Stipulation shall be used as or shall constitute an admission by either party of any claim, defense, assertion or allegation made by the other party in connection with this action and each party reserves all remaining claims and defenses.

STIPULATED AND AGREED TO:

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ James W. Parrett, Jr.*

---

Jack B. Blumenfeld (#1014)  
Karen Jacobs Loudon (#2881)  
James W. Parrett, Jr. (#4292)  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200

OF COUNSEL:

Raphael V. Lupo  
Joel M. Freed  
Mark G. Davis  
Ronald J. Pabis  
Matthew G. Cunningham  
MCDERMOTT WILL & EMERY LLP  
600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005  
(202) 756-8000

*Attorneys for Plaintiff  
Linear Technology Corporation*

September 26, 2007  
1241648

POTTER ANDERSON & CORROON LLP

*/s/ Kenneth L. Dorsney*

---

Richard L. Horwitz (#2246)  
Kenneth L. Dorsney (#3726)  
Hercules Plaza, 6th Floor  
1313 North Market Street  
Wilmington, DE 19889-0951  
(302) 984-6000

OF COUNSEL:

Dean G. Dunlavey  
Mark A. Flagel  
Sean S. Pak  
Robert Steinberg  
LATHAM & WATKINS LLP  
633 West Fifth Street, Suite 4000  
Los Angeles, CA 90071  
(213) 485-1234

*Attorneys for Defendant  
Monolithic Power Systems, Inc.*